

Docket No.: 98 P 7649 US 01
App. No.: 09/148,533

REMARKS

Status of Claims

After entry of the above amendments, claims 1-11, 17-24 and 26, which have all been allowed, are pending in the Application. Claims 12-13 and 25 were canceled above.

Item 1 of the Office Action rejected above-canceled claims 12-13 and 25 under 35 U.S.C. 112, first paragraph, as (allegedly) failing to comply with the enablement requirement by (allegedly) containing subject matter which was not described in the specification in such a way as to enable one skilled in the art ... to make and/or use the invention. Specifically, claims 12 and 25 were "rejected based on single means claim" because "a single means claim ... is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph".

Item 2 of the Office Action indicated that claims 1-11, 17-24 and 26 are allowed.

Item 3 of the Office Action contained the Examiner's statement of reasons for allowance.

Item 4 of the Office Action made the Office Action a Final one.

All remaining claims are allowable

All remaining claims 1-11, 17-24 and 26 have been allowed, in Item 2 of the Office Action.

The canceled claims

Claims 12-13 and 25 were canceled above. These claims, in Item 1 of the Office Action, were "rejected based on single means claim" and because (allegedly) "a single means claim ... is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph".

Applicants do not concede that the canceled claims 12-13 and 25 were not allowable. On the contrary, Applicants respectfully point out that the single means claim rejection, which is explained in M.P.E.P. 2164.08(a), is applicable

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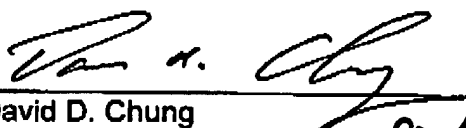
only to claims having a single "means" element. Applicants further respectfully point out that now-canceled claims 12-13 and 25 recited an element, "issuing a voice command to switch from a telephone call to a personal computer", that is clearly not a "means" element. Accordingly, it is seen that the rejections of claims 12-13 and 25 had no proper basis, and claims 12-13 and 25 would have been allowable upon reconsideration and reflection, had they not been canceled. Nevertheless, purely for simplicity, Applicants choose to cancel claims 12-13 and 25.

Conclusion

Therefore, Applicants respectfully submit that all claims are allowed claims, and it is respectfully requested that the entire application now be passed to formal allowance.

Dated: 17 Oct. 03

Respectfully submitted,



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